

article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained a chemical preservative and failed to bear labeling stating that fact.

CEREALS AND CEREAL PRODUCTS

CORNMEAL*

29301. Cornmeal and cooking oil. (F.D.C. No. 49094. S. Nos. 67-500 V, 2-561 X.)

QUANTITY: 1,500 1-lb. 8-oz. bags of cornmeal; and 895 cases each containing 12 1-pt. btls., 1,218 cases each containing 12 1-qt. btls., and 1,114 cases each containing 6 44-oz. btls. of cooking oil, at Jacksonville, Fla.; in possession of Dixie Lily Milling Co. of North Florida.

SHIPPED: Between 2-12-63 and 6-8-63, from Tifton, Ga., and Chattanooga, Tenn.

LABELS IN PART: (Bag) "Dixie Lily Fine Foods Superlative Sifted Water Ground Meal * * * Manufactured and Distributed by Dixie Lily Milling Co. * * * Tampa, Fla.," and (btl.) "Dixie Lily Golden Heart Cooking and Salad Oil Prepared from Pure Vegetable, Citrus Seed and Corn Oils * * * A Blend of Unsaturated Oils * * * Packed and Distributed by Dixie Lily Milling Co., Jacksonville, Florida."

ACCOMPANYING LABELING: Additional repack cornmeal bags, and additional repack cooking oil bottle labels.

RESULTS OF INVESTIGATION: Both the cooking oil and the cornmeal had been shipped in bulk and had been repacked by the dealer.

LIBELED: 7-8-63, M. Dist. Fla.

CHARGE: 403(a)—while held for sale, the labeling of the articles including the name of the cooking oil "Golden Heart Cooking and Salad Oil" contained false and misleading representations that the articles were adequate and effective to prevent premature aging, heart disease, hardening of the arteries, and to lower blood cholesterol levels.

DISPOSITION: On 7-15-63, Dixie Lily Milling Co. of North Florida filed an appearance as owner of the articles, filed a motion to dismiss the libel, and filed a motion to strike that portion of the libel which concerned itself with the vegetable oil and its labels. On 7-17-63, the court granted the claimant's motion to strike that portion of the libel which concerned itself with the vegetable oil and its labels and discharged and released the vegetable oil and its labels, provided the claimant met the further requirements of the court's order. The court required:

(a) That the cornmeal, including all parts thereof, not be repacked in any containers of any size which bore the following language in legible form:

*See also No. 29312.

"For Better Health * * * medical and nutritional research reports indicate beneficial effects of corn oil in lowering blood cholesterol levels, and in turn, possible reduction of individual tendencies toward hardening of the arteries . . . Every package of Dixie Lily is rich in corn oil * * *"

and/or

"use of such cooking oils will diminish incidence of premature aging and heart disease * * *."

(b) That at least two days prior to beginning the repacking of the cornmeal, Dixie Lily Milling Co. of North Florida, notify the Food and Drug Administration, setting forth the time and place of repacking operation and that an officer or employee of the Food and Drug Administration have the right to be present during the repacking operation, and

(c) That the language quoted above at (a) be deleted from the repack bags for the cornmeal held by the marshal and be rendered illegible.

Upon the above conditions the seized cornmeal (as distinguished from the cornmeal containers) and the seized repack bags were discharged and released to the claimant. The motions of the claimant were otherwise denied.

29302. Cornmeal and cornmeal mix. (F.D.C. No. 48192. S. Nos. 77-014/15 T, 77-018 T, 77-038 T, 77-040/41 T, 77-043 T.)

INFORMATION FILED: 2-15-63, W. Dist. N.C., against J. F. Bess & Co., a corporation, Gastonia, N.C.

SHIPPED: 6-15-62 and 7-27-62, from North Carolina to South Carolina.

LABEL IN PART: "White Sail Corn Meal [or "Enriched Self-Rising Corn Meal Mix"] Manufactured by J. F. Bess & Co. Gastonia, N.C."

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-26-63. \$350 fine, and costs.

FLOUR

29303. Flour. (F.D.C. No. 49397. S. No. 49-753 X.)

QUANTITY: 1,000 100-lb. bags at San Francisco, Calif., in possession of Western Pacific Railroad Co.

SHIPPED: 8-30-63, from Salt Lake City, Utah.

RESULTS OF INVESTIGATION: Examination showed that the article was shipped in an insect-infested rail car.

LIBELED: 9-24-63, N. Dist. Calif.

CHARGE: 402(a)(3)—while held for sale and while in transit, the article contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-11-63. Consent—claimed by Western Pacific Railroad Co., of San Francisco, Calif., and denatured.

29304. Flour. (F.D.C. No. 49298. S. No. 30-379 X.)

QUANTITY: 91 cases, each containing 25 bags, at Commerce, Calif.

SHIPPED: 8-7-63, from Nephi, Utah, by Jaub Milling & Elevator Co.

LABEL IN PART: (Bag) "MAYFRESH ALL PURPOSE ENRICHED FLOUR * * * 2 Lbs. Net Wt. Distributed by Mayfair Markets, Los Angeles, California."